

Wells 2012

SUPERIOR COURT BONDING:

Misdemeanors and D Felonies: Inmates can post the 10% cash if they live in Wells, Allen, Adams, Grant, Huntington, Jay, or Blackford counties. They must have proof of address to do so! If they don't have proof, they must post cash or surety bond.

Failure to appear is always cash or surety.

C Felonies: If they are a resident of Wells Co. they may post a 10% bond.

If they are not a resident of Wells County they must post a cash or surety bond.

B Felonies: Must always post a cash or surety bond.

All Domestic Batteries: 25,000 cash or surety only.

- If they have been to court, and the bond is lowered, they still must post a cash or surety bond.

CIVIL

Any cause number with a DR, JP, SC, or CP in them are 100% cash only.

STATE OF INDIANA)
) SS:
 COUNTY OF WELLS)

IN THE WELLS CIRCUIT COURT

CASE NO.: 90C01-1105-MI-00004

WELLS CIRCUIT COURT BAIL BOND SCHEDULE

This bond schedule applies to all cases filed in the Circuit Court of Wells County, Indiana to the setting of bond on warrants issued on all criminal informations or indictments, unless otherwise specified by court order or on the warrant. On all warrantless arrests, bail will be determined at the initial hearing or upon a determination of probable cause.

OFFENSE CLASS	BAIL AMOUNT	BOND AMOUNT & METHOD
Murder	No Bond	No Bond
Habitual Offender & Habitual Substance Offender	\$50,000	\$50,000 Cash or Surety
Class A Felony	\$30,000	\$10,000 Cash Bond & \$20,000 Surety
Class B Felony	\$20,000	\$10,000 Cash Bond & \$10,000 Surety
Class C Felony	\$10,000	\$5,000 Cash Bond & \$5000 Surety
Class D Felony	\$5,000	\$5,000 Cash Bond
Sex Offenses: · IC 35-42-4 et seq.	No Bond until hearing within 48 of arrest.	No Bond until hearing within 48 hours of arrest.
Crime of Domestic Violence · See exceptions below	No Bond until hearing within 48 of arrest.	No Bond until hearing within 48 of arrest.
Class A Misdemeanor	\$1,500	\$1,500 Cash Bond
Class B Misdemeanor	\$1,000	\$1,000 Cash Bond
Class C Misdemeanor	\$500	\$500 Cash Bond

Bonds are Cumulative: If multiple charges are filed, the bond applied shall be the total amount required for all charges.

Impaired Persons: No person shall be released with a breath alcohol level of .08% or higher or who appears to be under the influence of alcohol or drugs or a combination of both. The Sheriff's Department shall use the chart set forth at I.C. 35-33-1-6 to

determine the minimum number of hours an impaired person should be detained prior to release.

Exceptions to bond schedule: The bond schedule shall not be used for, nor be applicable to the following charges:

1) Sex offenses

- a. An individual charged with a sex offense (IC 35-42-2) shall not be admitted to bail until the Court has conducted a bail hearing.

2) Domestic violence offenses:

- a. An individual charged with a crime of domestic violence shall not be admitted to bail until the Court has conducted a bail hearing.

b. IC 35-33-1-1.7 defines a crime of domestic violence as:

- i. Having as an element either the use of physical force or the threatened use of a deadly weapon, and
- ii. Was committed against:

1. Defendant's current or former spouse, parent or guardian;
2. a person with whom the Defendant shared a child in common;
3. a person who was cohabitating with or had cohabitated with as if a spouse, parent or guardian; or
4. a person who was or had been similarly situated to a spouse, parent, or guardian of the Defendant.

Methods of posting bail: Depending on the type and level of the crime(s) charged, a defendant may post bail in one of the four following ways.

1. **Cash Bond:** The defendant may execute a bail bond by depositing with the Clerk of the Court (Through the Sheriff of Wells County) cash in an amount not less than ten percent (10%) of the cash bail.
 - a. Whenever a cash bond is deposited, the receiving officer or the Clerk of the Court shall advise the defendant and the person depositing the cash on the defendant's behalf of the following:
 - i. The deposit is considered to be a personal asset of the defendant
 - ii. Upon conviction, the bond shall be available for the payment of court costs, fines, restitution, public defender fees and may also be applied to attorney fees. Any remaining balance shall be returned to the defendant.
 - iii. An administrative fee of ten percent (10%) or fifty dollars (\$50.00), whichever is less, shall be retained by the Clerk and deposited in the general fund of Wells County, Indiana.
 - iv. That should the Defendant fail to appear the Court may enter a judgment for the full bail amount after notice and hearing.
2. **Surety Bond:** The defendant may execute a bail bond with sufficient solvent sureties in an amount equal to the surety bond amount.
3. **Cash:** The defendant may post with the Clerk the full bail amount.

4. Real Estate Bond: All Real Estate bonds shall be granted only after notice is sent to the prosecuting attorney by the defendant or his counsel and a hearing is conducted to determine whether the value of the real estate is of sufficient value to satisfy the full bail amount.

Adjustment of Bond: All bonds are subject to being adjusted by the Court at a hearing pursuant to statute and application by counsel of record.

The Sheriff of Wells County is hereby ordered to abide by the following bond schedule for all criminal offenses filed or to be filed in the Wells Circuit Court. This bail bond schedule supersedes all previous bail bond schedules ordered by this Court.

So ordered this ____ day of _____, 2011.

Hon. Kenton W. Kiracofe
Judge, Wells Circuit Court